HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 7524 OF 1997

DATED: 31.1.2007

Between:

K. Anjaiah

... Petitioner

and

The Divisional Manager, APSRTC,
Nalgonda and others

...
Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.7524 of 1997

ORAL ORDER:

The petitioner was a conductor in the APSRTC, having been appointed as such in 1983. A charge memo was issued, alleging that on 27.11.1985 during a surprise check, misconduct of the petitioner came to light and he is guilty of having committed two species of misconduct:- a) That he collected fare from a lady passenger and failed to issue a ticket; and (b) that he issued tickets of specified numbers and denominations which had already been sold in the up journey at Stage No.1 as per the S.R. Two other charges of non-observance of the 'issue and start' rule and failure to close the column of Re.1/- denomination against Stage No.2 were also alleged.

In the domestic enquiry, after due process, an order of removal from service was imposed on 26.4.1989. The petitioner then preferred an application under Section 2A(2) of the Industrial Disputes Act, 1947, which was taken up as I.D.No.309 of 1992 by the Labour Court III, Hyderabad. By an interlocutory order dated 19.4.1993,

the Labour Court found the domestic enquiry to be vitiated procedurally and the management was afforded an opportunity to adduce oral and documentary evidence with adequate opportunity afforded to the petitioner-workman as well.

On an analysis of the evidence marshalled before the labour court, it came to the conclusion that the charges are proved and the petitioner had misappropriated an amount of Rs.5.50 ps. However the labour court, on a curious and perverse view, found the punishment of removal to be disproportionate with the found misconduct of misappropriation, on the ground that the misappropriated amount was only Rs.5.50 ps. Accordingly, award was passed on 14.6.1994 directing reinstatement of the petitioner into service at a starting salary with a condition that his past service be counted for the purpose of future terminal benefits only. The labour court also observed that the reinstatement was on humanitarian grounds and the question of attendant benefits and back wages did not arise.

Dissatisfied with the award, the petitioner is before this court seeking back wages and restoration of other emoluments and benefits.

In view of the facts and circumstances of the case, as the petitioner’s guilt in a charge of misappropriation

of Corporation funds has been consistently found both in the domestic enquiry as well as in an independent enquiry by the labour court and on the basis of cogent and credible evidence, no case is made out for interference and grant of further relief to the petitioner.

There are no merits. The writ petition is dismissed. No costs.

GODA RAGHURAM, J

Date: 31.1.2007

cvm